

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

RODRICK LEE BROWN, #00884942,	§	
	§	
Petitioner,	§	
	§	
v.	§	Case No. 6:20-cv-568-JDK-KNM
	§	
DIRECTOR, TDCJ-CID,	§	
	§	
Respondent.	§	

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Petitioner Rodrick Lee Brown, a Texas Department of Criminal Justice inmate proceeding pro se, filed this federal petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.

On June 23, 2021, Judge Mitchell issued a Report and Recommendation recommending that the Court dismiss this petition with prejudice and deny a certificate of appealability. Docket No. 10. Petitioner also raised a First Amendment challenge in his petition that Judge Mitchell recommended dismissing without prejudice as not cognizable under habeas. A copy of this Report was mailed to Petitioner, and the docket reflects that he received the Report by July 23, 2021. Docket No. 11. No objections to the Report have been filed.


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and

Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Petitioner did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 10) as the findings of this Court. This petition for habeas corpus is hereby **DENIED** and this action is **DISMISSED WITH PREJUDICE**, except as to Petitioner's First Amendment claim, which is **DISMISSED WITHOUT PREJUDICE**. The Court **DENIES** a certificate of appealability.

So **ORDERED** and **SIGNED** this 19th day of **August, 2021**.


 JEREMY D. KERNODLE
 UNITED STATES DISTRICT JUDGE